

Notice of Allowability

Application No.

10/801,829

Examiner

Timothy D. Collins

Applicant(s)

KNIGHT, ANDREW F.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to election filed 2/10/06.
2. ☒ The allowed claim(s) is/are 1-13, 15-20 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Election/Restrictions

The examiner acknowledges the election of the rocket and species as elected in the papers of 7/21/05, 11/3/05, and 2/10/06. The examiner also acknowledges the election of claims 1-4,6-12,15, 18-20 and 29. However claim 1 is allowable as seen below and therefore claims 5,13,16 and 17 are rejoined and therefore the remaining withdrawn claims are 23-26 and 28.

In response to applicants argument that claim 23 is dependent on claim 1, the examiner maintains that this is not a dependent claim in that the requirement of the apparatus of claim 1 is only in one of the many possible choices that can be made in the method of entertaining. Because of the many steps of which only one is required, one may choose only the limitation of "closing said fill valve" which is not dependent on any other structure and therefore the claims remain withdrawn.

EXAMINER'S AMENDMENT

Authorization for this examiner's amendment was given in a telephone interview with Andrew Knight on 4/20/06.

The application has been amended as follows:

At the end of **claim 29** a --.-- has been added. This is to fix an obvious omission in the claim.

Claims 5,13,16 and 17 are rejoined because they depend from allowable claims.

Claims 23-26 and 28 are cancelled.

Claims 1-13,15-20 and 29 are allowed.

1. The following is an examiner's statement of reasons for allowance: the prior art of record all failed to show either alone and/or in combination a rocket with an air-breathing external combustion rocket engine with fuel tank, working medium tank and combustor connected to the fuel tank and with a heat exchanger connected to the combustor and heating the working fluid tank. Also a nozzle is attached which is configured to provide thrust through the use of the high-energy working fluid. It is noted and taken that an external combustion rocket engine has the fuel burned and expelled without being in contact with the working fluid. The prior art discloses rockets and external combustion engines.

- a. USPN 3293854
- b. USPN 2970436
- c. USPN 6367243

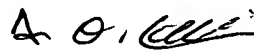
d. USPN 6290184

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy D. Collins 4/24/06
Patent Examiner
Art Unit 3643